

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DARREN L. REAGAN, 37109-177**)  
v.)  
**UNITED STATES OF AMERICA**)  
No. 3:14-CV-3420-M  
No. 3:07-CR-0289-M (07)

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions and a Recommendation in this case. Plaintiff filed objections, and the District Court has made a *de novo* review of those portions of the proposed Findings and Recommendation to which objection was made. The objections are overruled, and the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the Fed. R. Crim. P. 33 motion for new trial is construed as filed pursuant to 28 U.S.C. § 2255 and is TRANSFERRED to the United States Court of Appeals for the Fifth Circuit. *See* 28 U.S.C. § 2244(b)(3); 28 U.S.C. § 1631.<sup>1</sup> The Clerk's Office is directed to open a new civil action, nature of suit 530, with direct assignment to Chief Judge Lynn and Magistrate Judge Rutherford and terminate the motion in this case.

SO ORDERED this 20th day of April, 2018.

*Barbara M.G. Lynn*  
BARBARA M. G. LYNN  
CHIEF JUDGE

<sup>1</sup>An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. See *United States v. Fulton*, 780 F.3d 683, 688 (5<sup>th</sup> Cir. 2015).